



LET-108-D1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

DAVID COOK, ET AL.

Serial No.: 09/976,507

Filed: October 12, 2001

For: PERSONAL DIGITAL CONTENT SYSTEM

Art Unit: 2682

Examiner: PAN, Yuwen

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JUL 27 2004

Technology Center 2600

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, **Loudeye Corp.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Number **6,338,044**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.

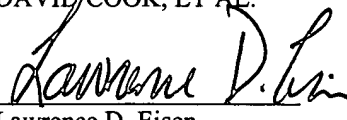
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

Date: July 23, 2004

Respectfully submitted,

DAVID COOK, ET AL.

By:


Lawrence D. Eisen
Registration No. 41,009

LDE/lrhj

Customer No. 28970